

# INTERSTATE TRS ADVISORY COUNCIL MEMBERSHIP LIST

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# Interstate TRS Fund Advisory Council

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## MEETING MINUTES

APRIL 25 - 26, 2000

### ATTENDANCE

The Interstate TRS Fund Advisory Council met in Washington, DC, on April 25 and 26, 2000. The following Council members, listed according to the groups they represent, attended the meeting:

Interstate telecommunications service providers:	Steve Bartlett and Anne LeLena (April 26)
Persons with hearing and/or speech disabilities:	Gus Estrella, Jack O'Keeffe and Judy Viera
State representatives	
Relay administrators:	Ed Bosson and Marilyn Crain
TRS users:	Pam Ransom and Al Sonnenstrahl
TRS providers:	Paul Ludwick and Gary Warren

Council members unable to attend were Sara Kyle and Steve Mecham, state regulatory representatives. NECA representatives attending were Ken Levy, Vice President and General Counsel; John Ricker, Executive Director, Universal Service Support Programs (April 26); and Maripat Brennan, Manager, Fund Management.

On April 25, FCC representation at the meeting included Chuck Keller, Staci Pies and Debra Sabourin of the Network Services Division, and Karen Peltz-Strauss, Pam Gregory, Meryl Icove, Jennifer Simpson and Arlene Alexander of the Consumer Information Bureau and Disabilities Rights Office. On April 26, Meryl Icove attended the meeting

In the audience on both days, except where noted, were:

- Gil Becker, Maryland TRS Administrator
- Harolyn Bland, AT&T TRS Operations
- Clayton Bowen, Virginia TRS Administrator
- Gary Bootay, Pennsylvania TRS Advisory Board
- Phil Bravin, Communications Services for the Deaf
- Larry Fenster, Worldcom (April 25 only)
- Bob Fisher, Cosmic Video, Inc.
- Steve Gregory, Consumer (April 26 only)
- Andy Lange, Communications Services for the Deaf
- Norm Lisy, AT&T TRS Operations
- Julie Miron, Statewide Services for the Hearing Impaired (MI)
- Dennis Och, AT&T TRS Finance
- Tom Rojas, Statewide Services for the Hearing Impaired (MI)
- Brenda Snyder, Verizon (April 25 only)
- Dave Stauffer, Cosmic Video, Inc.

### CONVENE – DAY ONE, April 25, 2000

Gary Warren, Council Chair, convened the meeting around 1:15 P.M. Council members and meeting attendees introduced themselves. Then Mr. Warren reviewed the Council's communications rules.

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*Stephen Bartlett*  
*Ed Bosson*  
*Merilyn Crain, Secretary*  
*Gus Estrella*

*Sara Kyle*  
*Anne LaLena*  
*Paul Ludwick*  
*Stephen Mecham*  
*Jack O'Keeffe*

*Pamela Ransom*  
*Alfred Sonnenstrahl, Vice Chair*  
*Judith Viera*  
*Gary Warren, Chair*

09/26/00

## MINUTES

In response to Gary Warren's request for any additions or corrections to the September 24, 1999 minutes, Judy Viera moved to accept the minutes with the minor corrections she made previously via email. Marilyn Crain seconded. The motion was carried. The Motions and Action Items List from the September 24, 1999 meeting was reviewed. Two items on the list, concerning TRS calling over the Internet, were postponed to the fall meeting.

### **FCC – CONSUMER INFORMATION BUREAU, Karen Peltz-Strauss**

Ms. Peltz-Strauss, the Deputy Chief of the new Consumer Information Bureau (CIB), gave a presentation on the bureau, created in the fall of 1999 at the same time as the Enforcement Bureau. She explained that the FCC took the various consumer functions and enforcement functions that had been spread over different bureaus and consolidated them into two. The CIB is made up of the Operations Branch that contains the Consumer Information Network Division and the Reference Information Center. Ms. Peltz-Strauss is the Deputy Chief for the Consumer Education Office, the Strategic Information Office and the Disabilities Rights Office. Ms. Peltz-Strauss' presentation is attached to these minutes.

In response to a question from Judy Viera, Karen Peltz-Strauss provided the names of the chiefs of each of the bureaus:

Lorraine Miller is the Bureau Chief of the Consumer Information Bureau.

Pam Hairston is the Deputy Bureau Chief over the Consumer Information Network Division and Reference Information Center.

Vacant – Consumer Information Network Division

Bill Cline is in charge of the Reference Information Center.

Roger Goldblatt runs the Consumer Education Office.

Stacy Mesa is in charge of the Strategic Information Office

Pam Gregory is the head of the Disabilities Rights Office.

Judy Viera also asked which office is responsible for the overview and approval of the state TRS certification. Ms. Peltz-Strauss responded that that responsibility was still in the Network Services Division (NSD) of the Common Carrier Bureau (CCB) at this time.

Sonny Sonnenstrahl asked what would happen to this plan when President Clinton leaves office. Ms. Peltz-Strauss feels there is bipartisan support for the Disability Rights Office and is not anticipating a major change.

Paul Ludwick asked if the NSD is still responsible for all TRS rulemaking. Ms. Peltz-Strauss responded that the CIB would be handling the Further Notice of Proposed Rulemaking (FNPRM). It was expected that the NSD and CIB would get together and divide up the various TRS responsibilities. The CIB is still small and will be taking on more responsibility as it grows. For the time being, responsibility will be shared.

Judy Viera asked how the Enforcement Bureau is related to this and its responsibility to TRS. Ms. Peltz-Strauss explained that the Enforcement Bureau is separate but that the CIB works closely with them. The Enforcement Bureau is primarily responsible for formal complaints and will probably not get too involved with TRS since TRS complaints are mostly informal. However, complaints will be viewed on a case by case basis and the Enforcement Bureau will help when needed.

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## **FCC – DISABILITIES RIGHTS OFFICE, Pam Gregory**

Ms. Gregory introduced all of the Disabilities Rights Office (DRO) personnel in the audience: Arlene Alexander, Jennifer Simpson and Meryl Icove, and mentioned that two new people, Scott Marshall and Brian Millin would be starting May 1, 2000. There are also plans to add an engineer to the staff. Ms. Gregory also gave out the new DRO website and the new email address and explained how to sign up for the DRO Information Mailing List. *(Attached to these minutes are the first three pages from Ms. Gregory's handout which give you all of this information.)*

Ms. Gregory then updated the Council on the following items:

On April 13, the FCC adopted an order requiring access to emergency information for persons with hearing disabilities.

On November 18, 1999, the FCC released an NPRM on video description for persons with visual disabilities. The FCC released the rules for the implementation of Section 255 in September 1999; the rules were adopted in July 1999.

Meryl Icove is working on cable compatibility, making sure cable systems and captioning work together. The DRO was involved with the recent forum on mergers. There were concerns with the Sprint – Worldcom proposed merger because of TRS.

The DRO has been working on issues related to low power FM radio stations to assure radio reading services for the visually impaired are protected.

As broadcasters move to digital transmission and broadband services are deployed, the DRO will make sure that the needs of the disability community are addressed.

Section 508 of the Rehabilitation Act of 1973 requires that electronic and information technology developed, procured, maintained or used by the Federal government be accessible to people with disabilities. The DRO is keeping up with the activities associated with 508 implementation.

Judy Viera asked who was the one person who would have the broad view and the overall responsibility.

Ms. Gregory assured her that if someone wrote to [access@fcc.gov](mailto:access@fcc.gov), the message would get to the appropriate person.

Merilyn Crain asked if there was going to be a council on quality of service issues. Ms. Peltz-Strauss answered that what is likely to happen is that there will be a disability component of a larger advisory body. She now feels less of a need for an advisory council because of the existence of the DRO and that there are other mechanisms to use on an ongoing basis. An example was the March TRS Forum – so the form doesn't have to be an advisory committee. Pam Gregory reiterated the benefit of public forums because they provide a lot of flexibility for format and can be tailored to be broad or specific.

Ms. Crain asked a follow-up question as to whether the impact of the forum would be the same; is there as much credibility given to the comments. Ms. Peltz-Strauss answered most definitely. The feedback from the March TRS Forum was the reason the FCC staff took a second look at their rules.

Ed Bosson expressed a concern that, by having the forums in DC, there is not as much involvement with groups outside the Beltway. Mr. Bosson encouraged involvement through the Internet. Ms. Gregory acknowledged that is a priority of the DRO – to encourage participation via the Internet or via calls in to the forums.

## **FCC - PANEL ON TRS ORDER, Chuck Keller, Karen Peltz-Strauss and Debra Sabourin**

Gary Warren thanked the FCC staff for participating in the meeting and mentioned that the increase in TRS and other related disability activities was noticeable. He hoped that the panel and the questions the Council members had would help prepare the Council for what it needed to do relative to the March 9 TRS Order. Karen Peltz-Strauss acted as panel moderator and introduced Chuck Keller, Chief of the NSD, and Debra Sabourin, senior attorney on TRS in the NSD. Chuck Keller explained that the NSD has handled TRS from

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*Judith Viera*

*Gary Warren, Chair*

the beginning but that the DRO will have a positive impact on handling disabilities issues. Mr. Keller introduced Staci Pies, Deputy Chief of the NSD with direct responsibility for TRS issues. Ms. Peltz-Strauss then asked for questions from the audience.

Paul Ludwick asked for a brief update on the status of the rule and order. Ms. Peltz-Strauss said that the reconsideration was near completion and would need to be approved by the FCC Commissioners.

Sonny Sonnenstrahl applauded the FCC staff's efforts but also said he would like to see deaf people in some of the FCC jobs. Ms. Peltz-Strauss acknowledged Mr. Sonnenstrahl's comment. In the meantime, the DRO will make sure that, whatever rules and policies are developed, they are developed with the full consultation and approval of the communities that the rules are designed to serve. Pam Gregory mentioned that it's important to recognize that people with disabilities who work at the Commission are not always interested in working on disabilities' issues.

Judy Viera reiterated the need for wider recruitment efforts. She then commented about the concern of some Council members that states have been allowed to remain certified even though they are facing litigation. Sonny Sonnenstrahl questioned if the interstate fund should continue to pay the providers in those states. Ms. Peltz-Strauss responded that litigation means that the case is still pending and while it is still pending, there is no violation. She went on to say that if there is a clear violation, it could be brought to the FCC's attention by filing a petition for decertification during the period for which the program is certified, or file in opposition to the state's request for certification.

Merilyn Crain asked if the implementation timelines in the March Order are not met, will the state be decertified or will a state have to apply for recertification to meet the new standards? Mr. Keller answered that the compliance timelines are the main thing to be addressed in the item that's coming out. Ms. Peltz-Strauss stated that the current certifications are staying in place for now.

Paul Ludwick asked if the Council and Fund Administrator will have flexibility once the reconsideration order is released to refine the costs that we have and then come back to the Commission and try to establish a proper rate based on our new understanding of the cost. Ms. Peltz-Strauss answered that the reconsideration order is not going to change any of the rules. The standards that are already in place will remain the standards. She suggested that it should be assumed that the Order is the law of the land when determining the reimbursement rate. Mr. Ludwick responded that the costs the providers projected were projected in July 1999 and couldn't take into account the March Order. Ms. Peltz-Strauss recalled that there were a few adjustments in the early years of the interstate fund; there is some flexibility in the system. Gary Warren reiterated the need for flexibility because we were involved in something that hadn't been done before. Chuck Keller responded that the NECA staff was trying to come up with numbers with a cushion so that a mid-course correction wouldn't be necessary. But, if a change needed to be made, it wouldn't be a foreign concept to the Commission since it had happened before in the universal service context.

Larry Fenster, an audience member, was allowed to comment since it was cost related. Mr. Fenster suggested that services like Speech to Speech should be reimbursed on a session minute because of the lengthy set up time involved. He also suggested that certain services should not be included in the traditional TRS basket, but should have a separate reimbursement rate.

Steve Bartlett expressed his concern about the reimbursement of both intrastate and interstate Video Relay Service costs from the interstate fund. Meryl Icove responded that it was thought that if VRS resources could be "pooled" and calls reimbursed regardless of where they came from, that would encourage its implementation. Although that sounded contrary to the current rule, it was decided that the use of the term "generally followed" in the rule allowed for some flexibility and it was decided to fund VRS this way. Mr. Bartlett agreed to disagree.

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Gary Warren then asked the panel for clarification on what they were envisioning in terms of guidelines, for example, VRS ought to be funded in a separate basket as a separate per minute rate. Mr. Keller agreed that was the right track, that those ideas were within the scope of the things they had in mind. Ms. Peltz-Strauss stated that there was an overall structure for funding and it hadn't changed; the Third TRS Order is the overall guideline that needed to be followed. It was not anticipated that there would be changes to the substantive guidelines.

Paul Ludwick asked if there was any conflict between the provisioning of VRS and the method by which the interstate fund is funded. Only carriers with interstate revenues are paying into the fund so they are footing the entire bill. Meryl Icove responded that that was recognized and they were open to suggestions for a better way but that their main interest was to get VRS running and this was the option they took. Ms. Peltz-Strauss commented that this is only an interim measure. Mr. Keller agreed that they knew they were putting the interstate carriers on the hook but they wanted to encourage VRS and that was the decision that was made at the time. If there is a better way, they are open to hearing about it. Ms. Peltz-Strauss remarked that, once the service proliferates, it will be mandated and the funding will revert back to the normal scheme. She is hoping that interim will be a just few years.

Ed Bosson wanted to clarify the difference between Video Relay Service and video remote interpreting – VRS is placing a call through relay service via an interpreter and remote interpreting is between a main location and a remote location with an interpreter who interprets for the people at the main location. (*When the March TRS Order was issued, the term for VRS was Video Relay Interpreting. The Reconsideration and Order released in May changed the term to VRS, Video Relay Service, to eliminate the confusion with video remote interpreting. To keep things clearer in these minutes, I've used VRS where appropriate.*)

Sonny Sonnenstrahl cited the number of relay providers and TRS centers and STS centers and VRS centers and the number of certified programs. He then asked who is certifying the video centers. Ms. Peltz-Strauss answered that the states are certified, not the centers. Where video relay is offered, it must meet certain minimum standards even if it is provided voluntarily. The FCC is responsible for making sure the minimum standards are met. Mr. Sonnenstrahl then asked how a complaint by someone in one state against a provider with a regional center serving that state and others would be handled. Ms. Peltz-Strauss responded that it depended on the situation.

Gary Warren asked if, since the FCC is trying to encourage VRS, we are constrained to the average per minute type method or is the Commission open to suggestions to do something different with VRS. For example, should there be some type of minimum compensation for VRS to encourage providers to start it. Mr. Keller responded that they encourage those type of comments from the Council or any of the organizations represented on the Council, but that by the deadline that was set, they need recommendations on how to do things consistent with the rules. Ms. Peltz-Strauss stated that the question is whether you need another petition for rulemaking to change the rules or whether you have to work within the existing rule structure. She encouraged filing ideas in writing and not waiting for the deadline.

Merilyn Crain stated her concern about paying costs for VRS set-up without any guarantee that the vendor will stay in business for an extended period of time and what would happen to the cost recovery for all that equipment. Paul Ludwick agreed but felt Gary Warren was saying the providers are not going to get into the business with no guarantee of traffic; there needs to be a way to share the risk. Chuck Keller commented that the FCC is interested in encouraging VRS and if there are better ways to do that, they would like to hear about them.

Ed Bosson commented on the differences in cost within VRS – depending on the type of circuit used; that it's not as easy to average VRS as TRS. He asked if it was the Council's place or NECA's to figure out the formula. Ms. Peltz-Strauss responded that that was exactly the role of the Council - to advise NECA on how to devise new solutions for reimbursing and new cost recovery solutions for the new rules.

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Maripat Brennan asked if the FCC has renamed the Council since, in the March Order, it was referred to as the Interstate TRS Fund Advisory Council. Chuck Keller responded that that is how the Council is known at the FCC because that is what it does, so when the name was typed, it was typed including "fund."

Karen Peltz-Strauss thanked everyone for the amount of time given the FCC and encouraged the discussion on Internet TRS because she felt it was something the FCC will have to deal with much sooner than anyone thought. Paul Ludwick asked if the Commission was addressing Internet Relay because without a framework, it would be difficult to come up with anything concrete for cost recovery. Ms. Peltz-Strauss answered that they need to find out a lot more information about how it would work, for instance, can you identify where the call originated, etc. – that's where they need guidance. Marilyn Crain suggested using it as a forum topic. Ed Bosson mentioned that in Texas they are looking at using card readers to identify the originating location of the call.

Gary Warren thanked the FCC staff for their participation in the panel. Then he asked if it was OK to move the decision on where the next meeting would be to the next day so that the audience could be given an opportunity to make their comments. Marilyn Crain moved and the Council agreed.

#### **AUDIENCE PARTICIPATION - DAY ONE**

Gary Bootay of the Pennsylvania TRS Advisory Board could not find a process for filing complaints in the AT&T tariff for TRS in Pennsylvania. He asked if not having a procedure was against the ADA. After several responses from various people, Gary was advised that in a company's tariff, there should be information on how to make a complaint or comment to the company. The process may not be under a particular service but should appear somewhere in the tariff. Mr. Bootay also asked how the FCC receives complaints; if AT&T received a complaint, did they let the FCC know? Mr. Bootay was advised that a new process was being put in place because of the March TRS Order. Norm Lisy of AT&T Operations said that all complaints that come into a state's service are shared with the state administrator monthly.

Phil Bravin of Communications Services for the Deaf commented that the Internet issue should be addressed at this meeting rather than postponing until the fall.

Andy Lange of Communications Services for the Deaf asked whether NECA/the interstate fund reimbursed for research and development. Gary Warren answered "Yes." Maripat Brennan then explained the cost recovery process and the portion of R&D that is reimbursed through the fund.

Julie Miron of Statewide Services for the Hearing Impaired asked if the answer to Andy Lange only applied to current providers. Maripat Brennan explained that new providers, who begin offering service during the funding period, are reimbursed at the rate in existence at the time. The annual cost recovery process begins with the provider TRS data collection, the new provider will supply costs and projections at that time.

Gary Warren thanked the audience for their attention during the afternoon. Maripat Brennan explained what would happen the following day.

#### **MEETING LOCATION FOR THE FALL**

Paul Ludwick asked if there was a quorum to decide the fall meeting location rather than wait until tomorrow. Gary Warren agreed to go ahead with the decision.

Sonny Sonnenstrahl moved to hold the meeting in Santa Fe, New Mexico on November 1, 2000; the motion was seconded by Judy Viera. Mr. Sonnenstrahl suggested the place and date because the Association of Late Deafened Adults (ALDA) was meeting there November 1 – 5 and that ALDA people are very articulate and tend to speak up. He felt they would be interested in attending the Council meeting.

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Jack O'Keeffe noted that the timing was later than normal and asked if that would fit with other requirements. Discussion on the date followed. Marilyn Crain offered a substitute motion that the Council meet in Santa Fe at a date to be determined in order to allow NECA staff to look at hotel possibilities, etc. Paul Ludwick seconded the motion.

Judy Viera clarified that Ms. Crain was amending the motion and it was necessary to ask the person who made the original motion and the person who seconded if they would agree to have the motion amended. Steve Bartlett said that Robert's Rules allowed for this situation and that the substitute motions should be voted on first. Pam Ransom mentioned that one of the benefits of going to Santa Fe at the same time as the ALDA conference is that some of the Council members could attend the ALDA meeting. The motion to have the meeting in Santa Fe, New Mexico around the time of the ALDA meeting passed.

Gary Warren adjourned the meeting around 5:15 P.M.

## **CONVENE – DAY TWO, April 26, 2000**

Gary Warren reconvened the meeting at about 8:30 A.M. on April 26<sup>th</sup>.

Ed Bosson expressed concern that Internet relay was not going to be addressed at the meeting. Gary Warren reviewed what was planned for the day and that the Internet relay discussion was postponed until the fall meeting. Pam Ransom asked to clarify what Paul Ludwick's presentation was going to do. Mr. Ludwick said he was going to provide a little background on what it is and how it's accomplished and to contrast it with the existing relay process and show what the cost recovery issues are. Marilyn Crain asked if Mr. Ludwick could provide this before the next meeting; he will do so.

## **NECA STAFF REPORT – Maripat Brennan**

### **Status of TRS Fund**

The balance in the interstate fund at the end of March was \$23.1M; projected receivables are \$1.02M. Providers have been paid \$49M and \$12.2M is projected to be paid out through the beginning of July. Administrative expenses are \$354K. In March, providers were reimbursed for 3.77M January minutes, 210K under projection. Because of the change in the fund year, carriers are not being billed for April, May and June.

### **Review of Interstate TRS Reimbursement Rate and Fund Size Filing**

Maripat Brennan explained the original process and schedule for TRS cost recovery, beginning with the FCC Form 431 TRS Worksheet (reporting a carrier's revenue) due annually on April 26<sup>th</sup> with the interstate carrier's fund contribution. TRS providers submitted the TRS Center Data Request on July 15 with their actual and projected costs. NECA submitted the TRS rate and fund size filing on October 1; the FCC Order was released in December. The new rate would go into effect for January minutes paid in March. The funding period was April – March; the reimbursement period was January – December.

The process was changed by the FCC in July 1999 when they consolidated the revenue reporting for various funds into the FCC Form 499A, due April 1. This year, the center data request will be distributed December 1, due February 1. The provider data will be analyzed to determine the reimbursement rate and fund size required. Then the carrier revenue data from the Form 499A will be received around April 20th. The funding requirement will be divided by the carriers' end-user interstate revenues and the contribution factor for carriers' contributions will be determined. NECA will file the rate, fund size and contribution factor with the FCC on May 1; an Order will be issued in June, and carriers will be billed for their contributions in July. The fund year and reimbursement period will be the same, July – June.

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Judy Viera asked if carriers contributed monthly or annually. Ms. Brennan responded that all contributions are considered annual and are due on July 26. If the contribution is more than \$1,200, the carrier may pay in 12 equal monthly payments.

Paul Ludwick asked if all the funds (Universal Service, TRS, North American Numbering and Local Number Portability) had the same fiscal year. Ms. Brennan responded yes and they now have the same contribution base – end –user revenues. She explained the difference between gross revenues and end-user revenues – wholesale revenues are not included. The contribution base will be smaller but the contribution factor will be larger so there will not be a shortfall.

Jack O’Keeffe asked if that meant resellers would get a free ride. Ms. Brennan responded that resellers have their own end-user revenues and pay into the fund based on those revenues.

Gary Warren asked if providers would continue to submit data based on a calendar year or would that change to July-June also. John Ricker responded that it was probably easier to keep submitting the data that way.

Sonny Sonnenstrahl asked if the sellers received a discount depending on how much they sell to resellers. Ms. Brennan responded that carriers used to contribute based on their gross revenues, which is a larger amount than end-user revenues. Changing to end-user revenues means their contribution base is smaller but to meet the fund requirement, the contribution factor will be larger. So, they may not experience any reduction in their contribution.

Ed Bosson asked for an example of companies who do not provide to end-users. Ms. Brennan responded that there’s a segment of companies known as carriers’ carriers who only sell to other carriers. They are a small part of the industry.

Before going into detail on the filing, Ms. Brennan cautioned that everything that was to be reviewed was in the proposed stage until the FCC actually approved it. NECA was using the best information they had received from the providers; not all providers had updated their original July 1999 submissions even though they have been given a few opportunities to do so.

*(Attached to these minutes are the viewgraphs used during the presentation on the TRS fund size and reimbursement rate. Instead of repeating the presentation in the minutes, since the charts are attached, only the questions and answers associated with the presentation are included.)*

Merilyn Crain asked how the new toll-free allocation of 60% interstate/40% intrastate was reached as opposed to the current 64%/36%. Ms. Brennan answered that the 2000-2001 data was used and the proportion of interstate and international minutes to intrastate, interstate and international minutes was calculated. The result was the new allocation.

Sonny Sonnenstrahl asked why 900 number minutes were separated from toll free minutes. Ms. Brennan responded that 900 number calls are not free calls and should not be lumped with toll free.

Merilyn Crain asked what minutes the growth rate is projected on. Ms. Brennan answered it’s based on the interstate minutes we compensate for.

Pam Ransom asked why we had average costs for interstate STS but had intrastate and interstate costs for VRS. Ms. Brennan responded that the Order requires reimbursement for interstate STS only and intrastate and interstate VRS.

Ed Bosson commented that the costs seemed high for STS. Ms. Brennan responded that these are the best projections from the providers who plan to use the service.

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**Stephen Bartlett**  
**Ed Bosson**  
**Merilyn Crain, Secretary**  
**Gus Estrella**

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**Sara Kyle**  
**Anne LaLena**  
**Paul Ludwick**  
**Stephen Mecham**  
**Jack O’Keeffe**

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**Pamela Ransom**  
**Alfred Sonnenstrahl, Vice Chair**  
**Judith Viera**  
**Gary Warren, Chair**

Paul Ludwick commented that one reason the costs looked high was the fact that reimbursement is on a conversation minute – a shorter time than a session minute.

Gary Warren added that since STS is still so new, the efficiencies are not there yet.

Jack O'Keeffe thought it seemed that, as STS and VRS became more available, there would be an extraordinary growth of these services in their initial period of availability and asked if the projections anticipated this. Ms. Brennan responded that it's not possible to tell that from the projections. The services are so new that providers don't have good data yet. More providers are expected to report data next time. NECA staff feels comfortable with the volumes projected at this point. Plus, allowances for the unexpected have been included in the filing.

Sonny Sonnenstrahl asked if research and development were included in these numbers. Ms. Brennan responded that we believe the providers included research and development in their submissions.

Gus Estrella asked if we thought the numbers would be much different if all providers had responded. Ms. Brennan responded that we were confident that we would be OK for the few months that STS must be provided in 2001.

Paul Ludwick asked if STS would be reimbursed prior to March 1, 2001, the date by which STS must be provided. Ms. Brennan answered it would not be.

Pam Ransom asked if we were contemplating asking the providers for STS set-up time in addition to conversation minutes to get a better estimate of the call length. Ms. Brennan responded that providers should be including all their costs in the information they provide us and they should not be losing anything.

Merilyn Crain asked if we would adjust the VRS reimbursement date if the effective date of the order were in December. Ms. Brennan responded that we were proposing October 1 and we would see what the FCC had to say.

Pam Ransom asked if the VRS calculation included setup cost, the purchase of equipment or other similar costs. Ms. Brennan responded the proposal did not include costs other than those at the VRS center.

Gary Warren commented that he was concerned about submitting a \$5M VRS proposal when we didn't know what the reconsideration order might say. Mr. Warren did not want our credibility with the FCC to suffer which might happen if we submit a \$5M proposal and we wind up only reimbursing \$50K. Paul Ludwick added that when Sprint submitted their VRS cost projections, they were not based on specific service levels. If VRS has to maintain traditional TRS service levels, that will substantially affect VRS costs – perhaps doubling costs in the manpower and force areas. Anne LaLena added that she would take a middle approach, and add some of the language Paul used to the filing to let the FCC know that the size and complexity of the variables is unknown at this time. John Ricker responded that it's probably important to include Paul's comments that these costs are on an unrestricted service and to the extent that the Commission adds requirements, the more costly the service is going to be.

Judy Viera asked if the VRS centers require a person to go to another location to use the service. Ms. Brennan responded that the costs only reflect the center costs – not a remote location's equipment or home equipment. Ms. Viera then asked about the demand for the service. She felt demand would be impacted by convenience and asked if the centers that reported costs kept track of whether people were on line to use the service. Waiting on line could be comparable to getting a busy signal. Ms. Brennan answered that we know of only one state that actually provides the service; that we have a limited knowledge base for VRS and can't answer too many questions at this time.

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*Stephen Bartlett*  
*Ed Bosson*  
*Merilyn Crain, Secretary*  
*Gus Estrella*

*Sara Kyle*  
*Anne LaLena*  
*Paul Ludwick*  
*Stephen Mecham*  
*Jack O'Keeffe*

*Pamela Ransom*  
*Alfred Sonnenstrahl, Vice Chair*  
*Judith Viera*  
*Gary Warren, Chair*

Ed Bosson believes there will be a large increase in VRS usage from homes and businesses, much more usage than going to public locations. Mr. Bosson then asked to confirm that the fund would reimburse for any type of VRS minutes. Ms. Brennan responded that we would reimburse for intrastate and interstate conversation minutes. Mr. Bosson asked if the fund would reimburse for VRS minutes that go over the Internet. John Ricker felt that, if a caller with a PC with a camera placed a call to the VRS center over the Internet, the fund would reimburse for those minutes.

A discussion followed on the difference between video remote interpreting and video relay interpreting and how we will ensure that video relay will be reimbursed and the other one will not be.

Judy Viera expressed concern about uniformity of VRS technology among the states and the quality of interpreters and asked if the FCC will call for a level of certification of the interpreters. Ms. Brennan responded that what we see in the current order is probably as specific as we are going to get – that the FCC has set the VRS standards in the order and that most are the same as traditional TRS. Gary Warren reminded the Council that the situation was similar when the funding formula was set for traditional TRS – there was a lot of diversity in technology. With VRS, providers will do it differently and there should not be a lot of restrictions in the beginning.

Merilyn Crain asked if in the future, administrative expenses would be also be allocated to STS and VRS. Ms. Brennan answered that we might consider that but the bottom line would be the same.

Sonny Sonnenstrahl asked to categorize the carriers who contribute – wireless, cable companies? Ms. Brennan read FCC rules concerning who must contribute to the TRS Fund. Cable TV companies are not required to contribute – they are not telecommunications companies. Gary Warren added that, if a cable company were providing interstate telephone services of some kind, they would contribute based on those revenues.

Ms. Brennan asked for the Council's approval of the NECA filing with the addition of Paul Ludwick's comments relative to VRS. Steve Bartlett moved to approve the exhibits for all three funds and the contribution rate; the seconding party was not named in the transcript. Gary Warren asked if it was OK to recommend moving forward with these filing rates but give NECA some latitude to adjust for last minute information. Mr. Bartlett agreed. The motion was approved.

## **DISCUSSION ON COST RECOVERY GUIDELINES**

Gary Warren introduced the next agenda item on the cost recovery guidelines. He reviewed the need to define the task - what the Council thinks it's supposed to be doing - and determine how to get that done. Mr. Warren was hopeful the Council would get some concepts on the table and an outline of how to complete the process; also, he wanted to determine if the Council wanted to make any comments on the pending Notice of Proposed Rulemaking.

Mr. Warren then commented that the Council needed to remember that these are funding guidelines and not quality guidelines. He also noted that what NECA did for the Council with the filing was to provide a baseline to work from and that the Council had just approved three different rates. He suggested that the Council begin working from those three different buckets and asked the other members if that was a reasonable approach to take. Anne LaLena supported Mr. Warren's approach.

Ed Bosson and Pam Ransom wanted to know if the new FCC rules were included in the proposed traditional TRS reimbursement rates. Ms. Brennan responded that the anticipated additional costs were the reason the 10% cushion was added and only half of the fund balance was used to reduce the contributors' requirements.

Paul Ludwick asked to address Mr. Warren's original question. He felt the Council needed to get the final order so they know what the requirements are, get those requirements into the hands of the providers and get

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*Stephen Bartlett*  
*Ed Bosson*  
*Merilyn Crain, Secretary*  
*Gus Estrella*

*Sara Kyle*  
*Anne LaLena*  
*Paul Ludwick*  
*Stephen Mecham*  
*Jack O'Keeffe*

*Pamela Ransom*  
*Alfred Sonnenstrahl, Vice Chair*  
*Judith Viera*  
*Gary Warren, Chair*

the providers to determine the impact on their costs. He thought it might be good to focus specifically on the process to be used once the final rule comes out, and also could focus on specific items the Council might want to look into should it come up with a process to identify the benefits or differences in what it proposes.

Meryl Iove wanted to make sure that the Council understood that the reconsideration order would only, for the most part, address the timing of certain requirements and not change any of the requirements in the March order.

Judy Viera asked if the new rules and rate mechanism would require changes in the data collection. Ms. Brennan responded that it was expected the data center request would change and the guidelines would provide the basis for any changes to it.

Merilyn Crain asked if the providers could report on Spanish costs and minutes separately.

Gary Warren reiterated that he wanted to pin down some sense of the process framework in terms of task, process and timeline.

Pam Ransom stated that it was necessary to change the data request form to include the things that the Council would like to have included. She broke this part of the process into four steps: identify the data needed for traditional TRS, STS and VRS; format the form to reflect that, send the form to the providers, receive and analyze it.

Paul Ludwick said that he thought all the providers could do was allocate costs to different categories in the different baskets based on minutes or some type of concrete allocation.

After lunch, Gary Warren continued the discussion on the guidelines, commenting that NECA has taken the first steps in laying out these guidelines, putting the services into the three buckets, and we might conclude that that plan is sufficient. Paul Ludwick said another alternative might be to do almost nothing but send out the form and see if the providers submit updated information based on the order and reconsideration – the way the data was collected last year.

Judy Viera asked if the data request will be done in three forms since there are three rates for traditional TRS, STS and VRS. Maripat Brennan responded that that was basically what we tried to do in 1999 anticipating the FCC order.

Ed Bosson asked if, once NECA filed with the FCC, the filing is open for comment by anyone. Ms. Brennan confirmed that comments could be made. Mr. Bosson thought it was important to pay attention to the comments.

Merilyn Crain thought it would be helpful to differentiate the costs associated with intrastate and interstate VRS. Ms. Brennan responded that that information would be available.

Gary Warren asked if there was something about the STS per minute rate that members didn't like. Ed Bosson responded that he felt STS should be a part of traditional TRS since most state contracts put them together. Sonny Sonnenstrahl and Merilyn Crain felt STS should be tracked separately. Pam Ransom thought STS should be tracked separately especially in the beginning and perhaps call set-up should also be tracked. After much discussion on this topic, it was generally agreed that the rationale for STS call set-up was the same as traditional TRS and it was not necessary to track it separately.

Paul Ludwick said it seemed that the first step in the process was to modify the form. Perhaps the second step was to send it to the providers and ask them if they wish to provide updated information – basically, duplicate the existing form for each of the three services. Discussion followed on using the updated data to determine if the reimbursement rate is still appropriate.

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*Stephen Bartlett*  
*Ed Bosson*  
*Merilyn Crain, Secretary*  
*Gus Estrella*

*Sara Kyle*  
*Anne LaLena*  
*Paul Ludwick*  
*Stephen Mecham*  
*Jack O'Keeffe*

*Pamela Ransom*  
*Alfred Sonnenstrahl, Vice Chair*  
*Judith Viera*  
*Gary Warren, Chair*

Anne LaLena commented that perhaps a deadline was needed and working backward from that would help schedule and frame the tasks. Discussion followed on that topic. It was agreed that a final draft of the guidelines could be available for the next Council meeting.

Gary Warren asked if NECA staff could get together a first draft of something or an outline and work with a subcommittee. Ms. Brennan agreed to draft a list of assumptions by the end of May and send to the Council members for feedback. A subcommittee will not be formed unless necessary. Discussion followed on changing the meeting date from November to better accommodate reviewing the guidelines. Scheduling the meeting in September would not have an impact on other items that need to be addressed at the meeting. If a subcommittee is formed, it was agreed to have a representative of each constituent group.

Meryl Iove commented that she didn't think the FCC had any grand expectations of the kind of input it would get, that they were not expecting something dramatically different. Also, if suggestions were made at this time and put in place, there is nothing to say that further suggestions couldn't be made in the future if it was found that bigger changes were needed.

Discussion followed on the date and place for the next meeting – whether or not a motion was necessary to make a change. It was decided that there was enough flexibility concerning the date in the original motion and the meeting would remain in Santa Fe.

Gary Warren asked Judy Viera about the agenda item on data collection. Ms. Viera asked that it be dropped. Mr. Warren moved on to whether or not the Council should make comments on the NPRM. Anne LaLena said that, unless they were narrowly focused, she would strongly recommend that the Council not file any comments. There was no further discussion on filing comments.

The next item on the agenda was a bylaws correction, clarifying the constituent groups represented on the Council. Steve Bartlett moved for approval; Pam Ransom seconded. The motion was carried.

Gary Warren then brought up the subject of officer elections. The bylaws do not specify any election process at this time. Mr. Warren suggested that an election should be held in the fall so those officers could take over January 1 or use a calendar year to keep track of things. Paul Ludwick thought Gary was doing a great job and didn't think anyone wanted to see Gary leave. Mr. Warren said an election process was needed either way. Mr. Ludwick suggested that the bylaws needed to be changed to include terms for officers. Mr. Warren agreed and suggested a two-year term. Judy Viera made a motion that officers be elected every two years in odd numbered years during the fall meeting; Marilyn Crain seconded. The Council approved the motion.

Gary Warren opened the meeting to comments by the public.

## **AUDIENCE PARTICIPATION – DAY TWO**

Gary Bootay of the Pennsylvania Advisory Board asked for a clarification of the terms carrier and provider. Gary Warren explained that, in the context of the meeting, carriers contribute to the fund and providers provide the TRS service. Mr. Bootay also asked if the Council would recommend that states provide Turbo Code because it's much quicker. Mr. Warren explained that that is a state issue and the Council is limited to interstate cost recovery issues. Mr. Bootay then asked about being charged a surcharge for a telephone line used for relay and a fax line that is not used for relay. Judy Viera explained that that also was a state issue about how TRS is funded – in this case, a surcharge is applied to each telephone line. Mr. Bootay also announced that 711 would be available in Pennsylvania on May 1. Pennsylvania is the 4<sup>th</sup> state to have 711.

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*Stephen Bartlett*  
*Ed Bosson*  
*Marilyn Crain, Secretary*  
*Gus Estrella*

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*Sara Kyle*  
*Anne LaLena*  
*Paul Ludwick*  
*Stephen Mecham*  
*Jack O'Keeffe*

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*Pamela Ransom*  
*Alfred Sonnenstrahl, Vice Chair*  
*Judith Viera*  
*Gary Warren, Chair*

Steve Gregory stated that he felt there is an interstate funding issue on the NPRM that really demands the Council's consideration and that is the issue of funding a coordinated mass media marketing program. Mr. Gregory asked the Council to address the issue of funding the outreach that the FCC has requested.

Phil Bravin of Communications Services for the Deaf commended the Council for listening to consumers. Mr. Bravin then asked, if the fund is reimbursing for the video over the Internet, why the Council didn't take a position on paying for typing over the Internet. Gary Warren responded that we haven't said we are not paying for an Internet telephony call; we don't think the rules preclude cost recovery of Internet calls. Steve Bartlett asked if Mr. Bravin was talking about substituting the computer terminal and sending a message over the Internet as opposed to TTY and public switched network; Mr. Bravin confirmed that. Mr. Bartlett asked if TRS providers can do that and Mr. Warren responded that, while technically the call can be handled, the problem is recording the data and knowing whom to bill because we don't have jurisdictional data to go by.

Pam Ransom asked Anne LaLena if she knew whether or not there was a legal issue since IP telephony is not defined as telecommunications services. Ms. LaLena agreed with Ms. Ransom who then said that until there's a determination that IP telephony is defined within telecommunications services, the Council couldn't touch it.

Merilyn Crain then suggested that, if there was someone in addition to Paul who may have something to add the Internet TRS discussion, the person be invited.

Mr. Bravin also asked if there was a differentiation made between the Internet and ISDN in developing the reimbursement rate. Ms. Brennan responded that none was made.

Andy Lange of Communications Services for the Deaf commented that he thought people would use a computer at home and simply log onto a TRS website and sign to the interpreter at the website. Mr. Lange also complimented the FCC on their work on captioning and making emergency broadcast visual.

Judy Viera expressed concern about the TRS program not supporting IP telephony. TRS supports communications between text users, sign users and voice users and she didn't think it mattered how it was done. Gary Warren asked Ken Levy to say a few words about that at the next meeting.

Ed Bosson agreed with Ms. Viera. He felt it was clear in Title IV that the technology to make TRS work was irrelevant. Mr. Bosson suggested that the way to solve the billing issue for Internet TRS was with the use of card reader technology.

Gary Warren brought the discussion back to comments on the NPRM and asked for any additional thoughts on that. Merilyn Crain said that the Council has discussed this in the past and NECA has concurred that no one would be averse to utilizing the interstate fund for payment for a national awareness program. She did not know if it was necessary to take any action at this time, however. Jack O'Keeffe suggested that we reserve the right to file reply comments. Anne LaLena responded that she did not support any movement of the Council to comment on anything other than what we are doing today and what directly affects the financial aspects of that.

Judy Viera moved to adjourn the meeting; Pam Ransom seconded. The Council approved the motion. Gary Warren thanked the Council for their hard work during the last two days.

Respectfully submitted,  
Merilyn Crain  
Secretary  
By Maripat Brennan, NECA

Minutes approved by Interstate TRS Fund Advisory Council on September 21, 2000.

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**Stephen Bartlett**  
**Ed Bosson**  
**Merilyn Crain, Secretary**  
**Gus Estrella**

**Sara Kyle**  
**Anne LaLena**  
**Paul Ludwick**  
**Stephen Mecham**  
**Jack O'Keeffe**

**Pamela Ransom**  
**Alfred Sonnenstrahl, Vice Chair**  
**Judith Viera**  
**Gary Warren, Chair**

09/26/00

# Interstate TRS Advisory Council

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## Meeting Minutes

September 21 – 22, 2000

### ATTENDANCE

The Interstate TRS Fund Advisory Council met in Santa Fe, New Mexico, on September 21 and 22, 2000. The following Council members, listed according to the groups they represent, attended the meeting:

Interstate telecommunications service providers:	Steve Bartlett and Anne LaLena
Persons with hearing and/or speech disabilities:	Gus Estrella (Sept. 22) and Judy Viera
State regulatory representatives:	Steve Mecham
State relay administrators:	Ed Bosson and Marilyn Crain
TRS providers:	Paul Ludwick and Gary Warren
TRS users:	Pam Ransom and Al Sonnenstrahl

Sara Kyle, one of the state regulatory representatives, was unable to attend. Jack O'Keeffe, one of the representatives of the hearing and/or speech disability community, resigned just prior to the meeting due to his wife's ill health.

Les Selzer, Senior Economist, represented the FCC. NECA representatives attending were Ken Levy, Vice President and General Counsel; John Ricker, Executive Director, Universal Service Support Programs; and Maripat Brennan, Manager, TRS Fund Administration.

### Audience:

Phil Bravin, Communications Services for the Deaf (South Dakota)  
Virginia Carr, New Mexico State Coordinator for Self Help for Hard of Hearing People  
Karen Courtney, New Mexico Commission for the Deaf and Hard of Hearing and NASRA secretary  
Julie Miron, Statewide Services for the Hearing Impaired (Michigan)  
David Hoover, Statewide Services for the Hearing Impaired (Michigan)  
Dennis Och, AT&T Accessible Communications Services (New Jersey)  
Kerri Snyder, Southwestern Bell (Missouri) Sept. 22 only

### CONVENE – DAY ONE, September 21, 2000

Gary Warren, Council Chair, convened the meeting around 1:15 P.M. Council members and meeting attendees introduced themselves. He then reviewed the Council's communications rules.

### AGENDA

Paul Ludwick requested that his agenda item be moved to the first thing Friday morning instead of Thursday afternoon. Marilyn Crain moved to accept the agenda with that change; Judy Viera seconded. The revised agenda was approved.

### MINUTES

In response to Gary Warren's request for any corrections or additions to the April 25 – 26, 2000 minutes, Steve Bartlett moved to approve the minutes as presented. The motion was approved.

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*Stephen Bartlett*  
*Ed Bosson*  
*Marilyn Crain*  
*Luis Estrella*

*Sara Kyle*  
*Anne LaLena*  
*Paul Ludwick*  
*Stephen Mecham*

*Pamela Ransom*  
*Alfred Sonnenstrahl, Vice Chair*  
*Judith Viera*  
*Gary Warren, Chair*

## FCC UPDATE

Les Selzer thanked the Council for inviting him and passed along greetings from Debra Sabourin who wanted the Council to know what a pleasure it had been working with them. Mr. Selzer mentioned that he was an economist, not an attorney, who deals mostly with funding issues but he does get involved in some policy issues, as well.

Mr. Selzer cited highlights of what had occurred on TRS at the FCC since the last Council meeting and since the March 6<sup>th</sup> Order was released. The Commission, on its own motion, issued a **Reconsideration Order** on June 5<sup>th</sup> which postponed the effective date of the March 6<sup>th</sup> Order and corrected some of the items that were put into the rules to make sure the Order and the rules agreed. Also, a specific date by which the logs were required was set, July 1 annually, and additional contact information for providers with state contracts was required. Finally, new rules were established for filing complaints, making the process more user friendly.

In response to a question by Gary Warren about the contents of the logs, Mr. Selzer said the logs should cover violations of minimum standards. Mr. Warren had been considering a more extensive log of complaints.

Mr. Selzer then discussed the **711 Order**, a major milestone in connecting TRS and traditional phone service. He mentioned that the 711 Forum at the FCC was extremely helpful in solidifying the Commission's views on the subject. Pay phone providers, PBX providers and the wireless industry raised some concerns about their ability to implement 711 in one year. The Commission felt that pay phone providers and PBX manufacturers shouldn't have a major problem but wireless could. The Commission gave the wireless industry 4 months to work through the issues and to report back on what problems they still had at that time. Only then would the Commission consider a possible extension of the implementation date. The FCC also asked TRS providers to work with the wireless industry to make sure that 711 would be universally available as soon as possible. Cost recovery, multi-vendoring and outreach and education were also addressed in the 711 Order.

According to Mr. Selzer, the Commission would be addressing another Reconsideration Order in the near future. Five parties raised issues that need to be addressed:

**PUC of Texas** raised the question of language translation (English – Spanish) through TRS;

**Florida PSC** requested that new features not be implemented until state contract expired;

**Vista Information Technologies** wanted to have an initial typing speed for hiring a person and then meet the FCC requirement within 90 days of hiring;

**WorldCom** was concerned that the definition of TRS was overly broad, and with the in call replacement requirement. They wanted the answer speed requirement for STS and VRS suspended for a year and have providers keep a log of the average and maximum answer times. WorldCom also wanted STS and VRS providers to keep a log of the average and maximum session times for the services; they prefer reimbursement for these services on a session minute instead of a conversation minute. WorldCom wanted the suspension of the requirement for a qualified interpreter for VRS due to the cost involved. They also requested that a separations joint board be convened to decide whether TRS providers can recover intrastate and interstate VRS costs from the Fund. Finally, they requested a typing speed of 45 wpm or to allow centers to hire typists at a lower speed and have 90 days to reach the higher speed.

**SBC** filed a petition about typing speed and testing a CA's typing speed.

Judy Viera mentioned that there were other comments filed by consumer organizations that Mr. Selzer had not included. Mr. Selzer replied that those comments were filed before the March 6<sup>th</sup> Order was released and that these were the only petitions for reconsideration.

Al Sonnenstrahl asked if there were rules specifically regarding 711 response time. Mr. Selzer responded that the rules were the same. Mr. Sonnenstrahl commented that states have a problem with 711 because providers answer voice first and then there is a delay before the call is answered by TTY. Discussion followed on issues associated with answering 711 calls – a single number for all callers, use of profile with 711 to speed up answer, some service providers implementing quickly while others wait for FCC deadline, costs associated with implementation for small providers.

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*Stephen Bartlett  
Ed Bosson  
Merilyn Crain  
Luis Estrella*

*Sara Kyle  
Anne LaLena  
Paul Ludwick  
Stephen Mecham*

*Pamela Ransom  
Alfred Sonnenstrahl, Vice Chair  
Judith Viera  
Gary Warren, Chair*



## NECA STAFF REPORTS

Maripat Brennan began her reports.

Fund Status Report: As we had decided, carriers were not billed for April, May and June. The balance was reduced during that time to about \$8M in July, prior to billing for the fund year. \$59M was billed in early July, due July 26<sup>th</sup>; 156 carriers opted to be billed monthly for \$4.2M monthly billing. As of the end of August, NECA paid providers \$7.6M and we have received \$94K for our expenses. 3.2M June minutes were reimbursed in August. Discussion focused on the balance for June 2001 of \$18M; since minutes are submitted the month after they occur and reimbursement is the month after that, two additional months should be subtracted from the \$18M to provide a more accurate view of the end of year balance. In this case, the balance is closer to \$10M. Anne LaLena supported the need for a healthy cushion but felt at some point it might be decreased. Ms. LaLena then asked if the next year will give us enough knowledge of STS and VRS to better forecast these services or is a two-year period needed. Ms. Brennan responded that STS wouldn't begin until March 2001 so we won't have much of a knowledge base and we are going to need one more year of a comfortable safety margin. Ms. LaLena asked to have this topic reviewed a year from then.

Al Sonnenstrahl asked if the projected payments included STS and VRS. Ms. Brennan confirmed they did.

Ms. Brennan reviewed a trend chart showing annual growth on a month by month basis. She noted the number of days in a month has an impact on the volume of calls. Mr. Sonnenstrahl asked about March in particular. Ms. Brennan explained that February has the fewest days and March has 31 so there was a few days difference between those months. Ed Bosson commented that the number of business days and weekends also makes a difference – volume is higher when there are more business days. Mr. Bosson thought it would be good to take that into account when forecasting. Ms. Brennan agreed that our forecasting could be refined once we are more comfortable with STS and VRS.

Paul Ludwick asked which months carriers were not charged. Ms. Brennan confirmed April, May and June. Mr. Ludwick then asked about the refunds listed for May, \$14K, and June, \$42K. Ms. Brennan explained that during the April – June period, staff took the opportunity to clean up the fund. Refunds were made to carriers who had paid twice; small odd amounts were written off; and we went after large contributions still owed.

Ms. Brennan then reviewed the new monthly minute reports to be used by providers in the future, covering traditional TRS, STS and VRS, in English and in Spanish.

Changes to the bylaws were reviewed next. The bylaws changes approved at the April 2000 meeting were made. The changes related to the election of officers necessitated the elimination of other language. Steve Bartlett moved that the bylaws be approved as changed; Judy Viera seconded. The motion was approved.

## APRIL 2001 MEETING DATE

Ms. Brennan had proposed a meeting the week of April 23, 2001 in DC in the meeting material because of the timing of the annual FCC filing. Mr. Bartlett suggested, from an efficiency standpoint, that if there is a one-day meeting, it start in the morning, or if it is a day and a half, it ends at noon the second day.

Mr. Ludwick asked if it made sense to meet later in the month. Ms. Brennan responded that staff would like to have a few days to incorporate any changes the Council might make. John Ricker provided support for holding the meeting during the week of April 23, reviewing the timing of all the events and other activities staff is involved in. Anne LaLena made a motion that NECA provide us with a precise date at a later time with the understanding it will be during that segment of five days in April; Marilyn Crain seconded. Steve Bartlett commented that his cooperative meets on the third Thursday of April so the first three days of the week would be fine. Gary Warren noted that the Council was looking at the 23<sup>rd</sup> – 25<sup>th</sup> as the window we should shoot for. The motion was approved.

At the end of this discussion, Mr. Warren announced a 15-minute break.

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*Stephen Bartlett*  
*Ed Bosson*  
*Marilyn Crain*  
*Luis Estrella*

*Sara Kyle*  
*Anne LaLena*  
*Paul Ludwick*  
*Stephen Mecham*

*Pamela Ransom*  
*Alfred Sonnenstrahl, Vice Chair*  
*Judith Viera*  
*Gary Warren, Chair*

## **RECONVENE DAY ONE**

Mr. Warren reconvened the meeting. He asked if it would be a problem if the meeting started at 8:30 A.M. on September 22<sup>nd</sup>. It was agreed that the meeting would begin at 8:30 and breakfast would be available at 8:00 A.M. Some discussion occurred on how best to set the room up for the meetings for everyone.

## **COST RECOVERY GUIDELINES**

Ms. Brennan began the presentation by reviewing the only comment received on the May 1 FCC filing and NECA's response to it – Tab 9 of the meeting material.

Procedurally, it was decided that the Council would go through the guidelines section by section and Ms. Brennan would list issues on an easel. Issues would be discussed and resolved as they are listed.

**Pages 3 & 4** – no issues

**Page 5**, Cost Recovery for Improved Traditional TRS – After discussion on the wording in this section, Ms. Brennan agreed to use the exact language in the FCC March 6<sup>th</sup> Order so as to be consistent with that document. Paul Ludwick raised the issue of including abandoned calls in a speed of answer calculation since the call was never answered. The call could be included in a service level calculation but not in a speed of answer calculation.

**Page 6** – no issues

**Page 7** – confirmed the use of the same allocation method for 900 call minutes as is used for 800 call minutes. Marilyn Crain asked if future drafts could show changes or deletions using the edit capability in the Word software

**Page 8** – discussion took place on how long information would be retained on speech to speech calls. It was determined that the FCC Order stated that the information could only be retained through the end of the subsequent calls. Also, providing this information is at the discretion of the caller, or the CA could ask if the caller would like to have the information retained.

**Page 9** – Ed Bosson questioned whether speech-to-speech calls are longer than traditional TRS calls. In California, he was told there was some increase but in Maryland no real increase. Discussion followed on the assumption that, over time, the length of speech to speech calls would decrease. It was determined that the assumption would be changed to reflect the fact that there is insufficient data to predict a decrease in call length at this time.

**Page 10 & 11** – cost recovery for video relay. Ed Bosson felt the \$5.14 VRS rate was reasonable; Texas is experiencing a lot of interstate VRS calls. Marilyn Crain suggested changing “purchase equipment” to “have access” and to use the phrase “call volume.” Gary Warren raised the concern that having to abide by traditional TRS requirements, VRS deployment will be slowed. He cited answer performance and Spanish to Spanish as examples of requirements that could be relaxed. Ed Bosson believed the FCC wouldn't take any action against the states as long as the providers are making a concerted effort to improve the call processes. Paul Ludwick noted that taking action and permitting cost recovery are two different things. Discussion followed on how best to discuss the VRS standards with the FCC. It was agreed the Cost Recovery Guidelines were not the right place. It was also determined that the bold face comments on page 11 would not be included.

**Page 12** – Maripat Brennan said she would use the same language here for VRS as was used earlier for STS.

**Page 13** – Anne LaLena asked why NECA was used and not the term Fund Administrator in the first paragraph. Maripat Brennan explained that NECA was used here to demonstrate the experience NECA has had as Fund Administrator, since 1993. In the second paragraph, “Fund Administrator” will replace “NECA”. Steve Bartlett requested to be on record again that he felt the FCC had overstepped their bounds by allowing intrastate VRS cost recovery from the interstate TRS fund.

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*Stephen Bartlett  
Ed Bosson  
Marilyn Crain  
Luis Estrella*

*Sara Kyle  
Anne LaLena  
Paul Ludwick  
Stephen Mecham*

*Pamela Ransom  
Alfred Sonnenstrahl, Vice Chair  
Judith Viera  
Gary Warren, Chair*

John Ricker asked the Council if there was any reason the Cost Recovery Guidelines should not be filed as soon as they are completed, rather than wait until they are due mid-December. Mr. Warren questioned whether there was another reconsideration order due and what impact that could have on the guidelines. Mr. Ricker responded that we could wait for that order or, when we speak with the FCC, see if there is anything in the order that would cause us to look at this again. Anne LaLena suggested that we go ahead and file and include language to the effect that if the reconsideration order comes out, we should have the opportunity to update the guidelines accordingly. Ken Levy responded to Pam Ransom's concern about losing an opportunity if the reconsideration order is released and the guidelines have been put out for comment. Mr. Levy said it's common to file supplemental comments if new information surfaces and we would have noted the possibility in our document.

After further discussion of various constituent concerns about the contents of a cover letter, it was decided that there would be no reference to any concerns in the letter. Mr. Sonnenstrahl asked if the guidelines impacted the current VRS price. Ms. Brennan responded that the June 28<sup>th</sup> Order set the rate; the guidelines would establish how the rates would be developed in the future.

Mr. Warren asked for a motion to approve the guidelines as amended. Ms. LaLena said she had some editorial comments she would share with Ms. Brennan. Ms. Crain moved that we approve the draft as amended with the provision that Ms. Brennan disseminate to the members of the Council a filing draft before submission. Mr. Bosson seconded. The Council approved the motion unanimously. Mr. Ludwick and Mr. Warren complimented Ms. Brennan on putting the guidelines together.

#### **TRS CENTER DATA REQUEST**

Ms. Brennan explained the changes to the provider center data request – an increase in the number of pages to reflect costs for English traditional TRS, STS and VRS and Spanish traditional TRS, STS and VRS and the accompanying instructions. Council members were requested to provide comments or suggestions by November 1, 2000 so that the data request may be distributed December 1, 2000. Mr. Bartlett asked if, on the forms, providers reported interstate minutes. Ms. Brennan responded that providers report all minutes.

Mr. Sonnenstrahl thought that there could be some confusion because the data request talks about provider and center. Mr. Ricker explained that we ask for center specific data because it helps to understand the impact of location on the center's expenses. Mr. Sonnenstrahl asked how centers serving multiple states are broken down. Ms. Brennan explained that we are more interested in the physical center itself and the minutes and costs of the center rather than individual states handled in a multiple state center. Ms. Viera asked how a provider would fill out the form – would they fill out different sections for each state served. Ms. Brennan answered that we are only interested in the costs of doing business in the center, not the state data. Ms. LaLena asked what we did with the contract rate information. Ms. Brennan answered the information was kept confidential and only shared with the FCC.

#### **UPDATES TO PROVIDER INFORMATION**

Ms. Brennan briefly reviewed how the reimbursement rates were developed for the May 1, 2000 filing. Ms. Brennan then explained that three providers had submitted updated information when requested in July, information which indicated their costs had increased because of the March 6<sup>th</sup> TRS Order. She then explained how, using the same method used for the May 1 filing, she developed a new traditional TRS rate proposed to be effective January 1 through June 30, 2001 and a new VRS rate to be effective October 1, 2000 through June 30, 2001. Mr. Ludwick did not agree that the traditional TRS rate for January – June 2001 should be an average of 2000 and 2001 costs but should be the average of 2001 costs only. Pam Ransom asked if changing the rate mid-year would set a precedent that we would now review the rate every six months. Ms. Brennan replied that this was a unique situation because of the March 6<sup>th</sup> TRS Order and that only because of extreme extenuating circumstances would we ever consider changing the annual rate filed May 1. Mr. Bartlett asked if there would be an impact on the carriers contributing to the fund if the rates are increased. Ms. Brennan said that there would not be because of built-in safeguards in the May 1 filing and a reduction in the uncollectibles allowance proposed with the new rates. Ms. Crain asked what percentage of traffic the three providers who updated their information represented. Ms. Brennan replied that it was most of the traffic. Mr. Bartlett asked for confirmation that, if the new rates were approved, the fund balance at the

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end of the fund year would be smaller. Ms. Brennan confirmed that would be the case. It was decided that this subject would be considered overnight and discussed further in tomorrow morning's meeting.

#### **CONVENE – DAY TWO, September 22, 2000**

Mr. Warren convened the second day of the meeting, commenting that there were serious traffic delays between Santa Fe and Albuquerque and, in order to make flights, he would target 10:30 – 11:00 A.M. to wrap up the meeting.

#### **UPDATES TO PROVIDER INFORMATION, cont'd**

Mr. Warren asked Ms. Brennan to refresh the Council on where we had left off the afternoon before. Ms. Brennan reviewed several scenarios in the development of new rates, including the use of all providers data for STS and VRS whereas we had not used the lowest cost provider's data in the May 1 rate development. Using all providers' data for STS would reduce the STS approved rate and increase the VRS rate. The Council would have to decide whether or not to file to change the approved TRS, STS and VRS rates.

Mr. Warren framed three issues: do we recommend raising the rate midstream this year; is the \$1.32 the right number; and do we want to change the STS or VRS rates. Ms. LaLena agreed and added that the Council may need to explore the three in a little more detail.

Mr. Warren asked if the Council thinks there is justification in this case for changing the rate mid-year. Ms. LaLena felt that it was necessary to divide this issue in three because of the three different rates, TRS, STS and VRS. Mr. Warren responded that what he was hoping for was to find out if the Council was comfortable that it is in a situation, because of the March 6<sup>th</sup> Order, where it is justified in making a correction of some type. Ms. Crain felt the Council needed to decide whether or not this does set a precedent for an annual mid-year correction. Ms. LaLena responded that if that is a legitimate concern, we could couch the proposal in appropriate terms, and the FCC will decide the issue anyway. Mr. Ludwick believed this was a unique situation and doesn't think it's something that might happen every year. Mr. Mecham asked for confirmation that the numbers are going up because of the additional FCC requirements; Mr. Warren responded that that was the case.

Mr. Warren asked Ms. Brennan to review the four charts for traditional TRS – 2 from the May 1 filing and the 2 new ones with the new provider data. Using the same process as May 1, the average rate is \$1.328. After a discussion on the wording of the motion, Ms. Crain moved to change the rate for interstate compensation for basic relay service from \$1.282 to \$1.328 effective January 1, 2001. Ms. Viera seconded the motion. Ms. LaLena asked for the financial impact on the fund of the increase. Ms. Brennan responded that it would not be far off from the numbers that were projected on the fund status spreadsheet. Mr. Ludwick spoke against the motion, commenting that \$1.328 works if it is paid from July 2000 through June 2001 because it is an average of 2000 and 2001 costs. If the reimbursement is just for January – June 2001, then it should be the 2001 cost average of \$1.379. Ms. LaLena asked if providers were now going to be giving their information for funding or calendar year. Ms. Brennan responded calendar year. Ms. LaLena was concerned about projecting costs for the future and whether that impacted the accuracy of projecting the reimbursement rate. It was agreed providers needed to factor in a certain amount of uncertainty.

Mr. Warren called the vote and the motion to increase the traditional TRS rate was approved.

Mr. Warren next addressed STS and VRS rates. Ms. Brennan showed several STS and VRS scenarios for the Council's review. If a new STS rate were calculated the same way as the May 1 filing, the new rate would be \$4.002. The approved May 1 rate was \$4.623. Ms. Crain asked when STS would begin to be compensated for; Ms. Brennan responded March 1, 2001. Ms. Ransom asked how many STS and VRS centers reported since she was concerned that, with so little experience so far, we may be trying to hit a moving target right now. After further discussion on the information submitted by the providers and their experience with STS, Mr. Bartlett moved that, because STS doesn't go into effect until March 1 and that the total is not much money, we leave the STS rate at the present \$4.623. Mr. Ludwick seconded. The motion carried with one abstention.

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Mr. Warren moved on to VRS. Ms. Brennan reviewed that the May 1 rate for VRS was based on three providers' data but that a fourth provider had submitted data in August. In May, the low cost provider's costs were not included in developing the VRS reimbursement rate. One option we have is to use all four providers' data for this rate, which would increase the reimbursement to \$5.539. Ms. Ransom asked what the impact would on the fund if we raised the VRS rate to \$5.539. Ms. Brennan responded that we would need \$6M for VRS at the new rate; at the previous rate, we needed \$5.6M. This new rate would go into effect October 1, 2000 for October minutes reimbursed in January. Mr. Bosson asked if VRS would be reevaluated in the next six months or so and a new VRS price would be developed. Ms. Brennan responded that we would be collecting up to date data February 1 which would hopefully reflect more provider experience. Mr. Sonnenstrahl was concerned that six months was too long a time and suggested reviewing after three months. Mr. Bosson felt six months was better because the providers should be able to give more accurate data; he felt the increase was reasonable. Ms. LaLena couldn't support another meeting to review the VRS rate. She felt the Council had the opportunity at this meeting to make a decision.

Mr. Sonnenstrahl felt we didn't have enough STS or VRS provider representatives on the Council in order to make an intelligent decision. Mr. Warren allowed audience members who provided STS and VRS to comment at this point. Phil Bravin of Communications Services for the Deaf said they just started VRS a few weeks ago and agreed with Mr. Bosson, that it was still too soon to talk about volume. Julie Miron of Statewide Services for the Hearing-Impaired also agreed that it's early in the service. Mr. Bosson moved that the Council adopt the new proposed VRS rate. Mr. Sonnenstrahl seconded. Ms. LaLena asked for time, date and money in the motion. The motion was to request an increase in the VRS rate to \$5.539 for the period beginning October 1, 2000 through June 30, 2001. Mr. Warren called the vote. Mr. Bartlett was the only nay because he doesn't believe the Council has the authority to pay intrastate costs out of an interstate fund.

Mr. Sonnenstrahl asked if all TRS centers were certified. Ms. Brennan responded that they are. Mr. Sonnenstrahl then asked if the STS centers were certified. Ms. Brennan responded that if a center is certified, it is certified for STS also. Mr. Warren commented that there is no separate certification process for STS and VRS. At the April 2000 meeting, the FCC discussed certification. If a center is certified, it is certified for all services. If a provider is not certified, it must go directly to the FCC.

Ms. Brennan will distribute an updated draft of the guidelines based on the comments from the meeting. Feedback was requested by the third week in October.

## **INTERNET RELAY ACCESS**

Paul Ludwick provided background on the issue of Internet relay or Internet relay access. The presentation was from a technical perspective; it is up to the FCC to determine if this type of relay call is reimbursable.

Mr. Ludwick review three scenarios – a typical relay call where you are able to determine if it is intrastate or interstate; a pay per call, where you can't determine whether the call is intrastate or interstate; and an Internet call. Mr. Ludwick explained how a typical relay call is routed and how it is determined if it is intrastate or interstate. In the pay per call situation, there is no way to tell where the 900 or 800 or 877 number is located. So an allocation factor is used and 60% of the calls are billed to the interstate fund and 40% to the state. With an Internet call, there is no telephone number identification of the originating end of the call. The call could even be international but you can't tell. Mr. Bartlett cited an example of dialing a number in Chicago and the caller is calling California; the call comes off the Internet and back onto the public switched network. What ANI would the relay center receive? Mr. Ludwick replied that it would be wherever the call was originated on the land line, like a cellular call.

Mr. Ludwick explained that if the FCC allow for reimbursement, then the Council will have an issue of determining how we will allocate or how we will determine which calls are interstate as opposed to intrastate. Ms. LaLena suggested that the FCC was really the forum for this discussion. Mr. Bosson agreed and mentioned that in Texas, a VRS user must show their driver's license in order to make a call. Mr. Sonnenstrahl commented that this would be a good way to prepare for a long text call and then make the call through the computer. Mr. Bosson said you could do that today with ASCII. Mr. Ludwick believes that the only way this access will work is if we treat it like a toll free call and allocate some percentage to interstate and some to intrastate. Mr. Bosson commented that the caller won't be billed for the call through Internet. Mr. Ludwick went on to explain that this only works one way. A voice caller

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wouldn't be able to call the computer user because the computer user's ID is a dynamic address, changing with every call. Discussion followed on static IP setups and dynamic IP's. Mr. Warren acknowledged the quality of the discussion and also agreed that this should be presented to the FCC at some point.

Phil Bravin asked if the VRS reimbursement rate is only for ISDN calls or is it also for Internet calls. Ms. Viera answered that we don't specify the type of line being used. Mr. Bravin explained that there are three ways of using VRS - ISDN, DSL and regular phone line. Discussion followed on whether a VRS call over any medium would be reimbursed. No final decision was made.

Ken Levy was asked to comment on whether Internet calls are recoverable from the TRS fund. Ms. LaLena commented that the Council should be reminded that this discussion is strictly theoretical for information purposes only and there is nothing before the Council to act on in this regard. Mr. Levy stated that our view is that the purpose of the fund is to reimburse users that need the service for relay and that it doesn't matter by what device or by what type of medium the center is accessed. The rules talk about TTYs because Internet access did not exist at the time and that Internet access today would be reimbursable under the fund, the same with VRS, that it doesn't matter how the caller gets to the center. If it's effectively the same service, it should be reimbursable from the fund. The only issue is determining if it's an intrastate or interstate call and for VRS that's not an issue.

## **NEW BUSINESS**

Mr. Warren asked Mr. Bosson to share what's happening in Texas on VRS. Mr. Bosson explained that the video standard is H320 which uses ISDN, and also 323 which can be ISDN capable and it can be used through the Internet. The quality is good. Deaf people, if they have cable in their homes, tend to use the H323. An equipment distribution program that will subsidize up to \$900 just started, giving deaf people the opportunity to get VRS equipment in their homes. The goal in Texas is to have the equipment in people's homes instead of public sites. The public site approach doesn't seem to be very successful; the novelty wore off quickly and they stopped using it. At home, they do use it. Mr. Bosson mentioned that hearing people like how much faster a VRS call goes and that they are communicating more openly and effectively. A deaf friend of his who is a travel agent has found his business increasing with the use of VRS. Ms. Viera asked about call volumes and response time. Mr. Bosson said he didn't have all the data yet but should have at the end of September.

Mr. Warren asked if there was any other business. Mr. Sonnenstrahl felt that the Council should consider having representatives from STS and VRS providers on the Council because they are part of our business. Mr. Bosson commented that Sprint and MCI are both considered STS and VRS providers and they are on the Council. Mr. Warren suggested that all the current STS and VRS providers are among the same group with Paul Ludwick and himself. They are elected by the provider industry. Ms. Crain commented that the FCC have been very cognizant of not giving providers more weight than consumers and other groups and she would hesitate to encourage more vendors so that the Council becomes more weighted toward vendors than consumers.

## **ADJOURN**

Virginia Carr of New Mexico SHHH commented that she was very pleased to hear all that was going on and was happy the Council came to New Mexico.

The meeting adjourned at about 10:30 A.M.

Respectfully submitted,  
Pam Ransom  
Secretary  
By Maripat Brennan, NECA

Minutes approved by Interstate TRS Fund Advisory Council on April 24, 2001.

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1 DISKETTE